

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 15-28 are pending in this application. Claims 15, 16, 20-23 and 25-27 are independent. Claims 15-18, 20-23 and 25-27 are hereby amended. New claim 28 is hereby added. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification as originally filed and specifically at pages 33, 38-43 (paragraphs [0114]-[0117] and [0131]- [0135] of the published Specification). Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

The title is hereby amended.

### **II. REJECTIONS UNDER 35 U.S.C. §101**

Claims 22 and 27 are hereby amended, thereby obviating the rejections under 35 U.S.C. §101.

### III. REJECTIONS UNDER 35 U.S.C. §112

Claim 17 is hereby amended, thereby obviating the rejections under 35 U.S.C. §112.

### IV. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 15-27 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by  
“RTP: A Transport Protocol for Real-Time Applications” (hereinafter, merely “RTP”).

### V. RESPONSE TO REJECTIONS

Claim 15 recites, *inter alia*:

“...a determining section for determining whether or not predetermined data is included in said acquired data, the predetermined data having a particular field set as a predetermined value in the sequence information...

...wherein, when said determining section determines that the predetermined data is included in said acquired data, said storing section stores the predetermined data and a header attached to said predetermined data, and

wherein, when said determining section determines that the predetermined data is not included in said acquired data, the supplemented data is discarded and said storing section does not store the supplemented data...” (Emphasis added)

As understood by Applicants, RTP relates to a real-time transport protocol (RTP), which provides end-to-end delivery services for data with real-time characteristics, such as interactive audio and video.

Applicants submit that RTP fails to teach or suggest the above identified features of claim 15. Specifically, none of the references used as a basis for rejection discloses the predetermined data having a particular field set as a predetermined value in the sequence

information, and when said determining section determines that the predetermined data is not included in said acquired data, the supplemented data is discarded and said storing section does not store the supplemented data, as recited in claim 15.

Specifically, the Office Action (see page 5) asserts that RPT teaches "predetermined data" which is the data that is stored and waiting to be sent at the end of the sampling period. However, Applicants submit that in the present invention, as shown in Fig. 13, the redundancy control unit 27 determines whether or not audio data is included in the supplied RTP packet by referencing the "PID" field in the header of each of the TS packets involved, *i.e.*, a TS packet whose "PID" field is set for "100h" is deemed to have video data; a TS packet with its "PID" field set for "102h" is deemed to have audio data; and then in step S11 if the redundancy control unit 27 determines that the supplied RTP packet does not include any audio data, then the unit 27 discards the RTP packet and terminates the process on the RTP packet in question (See, Specification, page 33, paragraphs [0115]-[0116] of the published Specification).

Thus, **in the present invention, the predetermined data is audio data having a "PID" field set for "102h", and if the supplied RTP packet does not include the audio data, the supplied RTP packet will be discarded and the storage process is terminated.** Nothing has been found in RPT that discloses the predetermined data having a particular field set as a predetermined value in the sequence information, and when said determining section determines that the predetermined data is not included in said acquired data, the supplemented data is discarded and said storing section does not store the supplemented data, as recited in claim 15.

Therefore, Applicants submit that independent claim 15 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 15, independent claims 16, 20-23 and 25-27 are also patentable.

## **VI. DEPENDENT CLAIMS**

The other claims are dependent from an independent claim, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

## **CONCLUSION**

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By: 

Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800